Exhibit 4

Declaration of John Silovsky

UNSWORN DECLARATION OF JOHN SILOVSKY

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

I, JOHN SILOVSKY, do hereby declare and testify:

1. I am over 18 years of age and of sound mind and am otherwise competent to make this declaration. I have personal knowledge of the facts contained in this declaration, and they are true and correct to the best of my knowledge.

2. I am the Director of the Wildlife Division at the Texas Parks and Wildlife Department (TPWD or the Department). I have held this role since November of 2020. My job duties include managing the activities and policies of the division to foster on-the-ground conservation of diverse native wildlife and their habitats through sound science and land stewardship for the benefit of the resource, and our hunting and outdoor heritage. Prior to my current position, I was a District Leader in Texas for five years, and then I became the Deputy Wildlife Division Director in 2019 before ultimately becoming the Division's Director.

3. The lesser prairie-chicken (*Tympanuchus pallidicinctus*) (LEPC) is a North American species of prairie grouse that occurs in sand sagebrush, sand shinnery oak and mixed grass communities of the southern Great Plains within portions of Colorado, Kansas, New Mexico, Oklahoma, and Texas. Approximately fifteen percent of the total range-wide LEPC habitat occurs in Texas within Bailey, Cochran, Deaf Smith, Donley, Gray, Hemphill, Hockley, Lamb, Lipscomb, Ochiltree, Roberts, Terry, Wheeler, and Yoakum counties.

4. The Department manages LEPC under the authority of the Texas Parks and Wildlife Code (PWC), Title 2 Chapters 11 and 12, as well as PWC Title 5 Chapters 61 and 64. In Texas, LEPCs are considered game birds. However, harvest and hunting seasons for this species were suspended indefinitely in 2009.

5. The TPWD supports conservation of the LEPC and its native prairie habitat. Since nearly all the LEPC population in Texas occurs on private lands, much of the Department's work involves working collaboratively with private landowners to benefit the LEPC. The Department believes several practical approaches exist to achieve conservation while safeguarding private property rights and without jeopardizing the economic potential of these lands. The TPWD maintains that the LEPC's best chance for survival is provided by voluntary, incentive-based collaboration among private landowners, industry, other non-governmental organizations, and our state and federal partners.

6. The TPWD has a long history of LEPC conservation dating back to the 1950's when Department biologists first started monitoring the species. Over the decades, the TPWD has facilitated four strategies to enhance conservation of the LEPC: (1) habitat restoration and management; (2) surveys; (3) coordination; and (4) research.

Habitat Conservation and Management

7. Habitat conservation and management is a critical part of modern wildlife conservation programs. In a private lands-dominated state, such as Texas, voluntary programs are key to establishing and maintaining trust with the private landowners that control access and make management decisions that impact habitat quantity and quality. Enacting regulatory control over a species under the Endangered Species Act (ESA) can create barriers to access of private lands for agency personnel and hesitancy by landowners to participate in habitat management programs.

8. One of the main voluntary conservation efforts to benefit the LEPC is the Texas LEPC Agricultural Candidate Conservation Agreement with Assurances (Texas CCAA). The Department worked with the U.S. Fish and Wildlife Service (USFWS) and landowners to develop the umbrella CCAA for the LEPC in Texas, which was finalized in 2006. A CCAA is an agreement with the USFWS to address the conservation needs of proposed candidate species or species likely to become candidates before they become listed under the ESA. A CCAA describes actions voluntarily agreed to by companies or landowners that would preclude the listing of the species. In exchange for entering into the agreement, the USFWS agrees that if the species is listed in the future, then those parties to the agreement will not be subject to additional actions or regulations relating to the activities covered by the agreement.

9. The conservation goals of the Texas CCAA are to encourage conservation and improvement of LEPC habitat on non-federal lands by offering private landowners' incentives to implement voluntary conservation measures through available funding mechanisms and by providing technical assistance and regulatory assurances concerning land use restrictions that might otherwise apply, should the LEPC become listed under the ESA. The conservation measures generally consist of prescribed grazing; prescribed burning; brush management; cropland and residue management; range seeding and enrollment in various Farm Bill programs such as the Conservation Reserve Program and wildlife habitat treatments through the Environmental Quality Incentives Program. The Texas CCAA covers 50 counties, largely encompassing the Texas Panhandle region. This CCAA covers the lands currently occupied by LEPC in Texas, plus those lands that are unoccupied and have potential habitat and those lands that could contain potential habitat should the LEPC population in Texas increase. Total landowner participation by the close of December 2022 was 91 properties totaling approximately 649,780 acres enrolled in 15 counties, including 24 properties covering 191,366 acres across 8 counties in the sand shinnery oak and 67 properties covering 458,414 acres across 7 counties in the mixed grass ecoregions of Texas.

10. In addition to conserving the LEPC through the Texas CCAA, the Department has also engaged with partners in direct habitat management and conservation. In 2014, the Department created the Yoakum Dunes Wildlife Management Area (WMA) in Cochran, Terry and Yoakum Counties near Lubbock, with the intent to provide a refuge for the LEPC and other

native grassland birds and wildlife. The WMA is currently 15,961 acres and consists of tracts acquired through partnerships with The Nature Conservancy of Texas (TNC) and the Western Association of Fish and Wildlife Agencies (WAFWA). In 2022, the Department found that the WMA supported 6 leks (LEPC breeding areas). The Department also manages 2 additional WMAs in the estimated occupied range covering more than 6,000 acres that currently do not have documented LEPC.

11. Numerous other federal or Department programs directly or indirectly support effective voluntary LEPC conservation efforts in the state, including the Landowner Incentive Program, the USFWS Partner's for Fish and Wildlife Program (PFW), and the State Acres for Wildlife (SAFE) Program though the U.S. Department of Agriculture's Conservation Reserve Program (CRP).

12. The Landowner Incentive Program (LIP) is a Department program intended to help meet the needs of private landowners wishing to enact good conservation practices on their lands for the benefit of healthy ecosystems. The LIP focuses on projects aimed at creating, restoring, protecting and enhancing habitats for endangered, threatened, and candidate species, migratory birds, and species of greatest conservation need including the LEPC. Since 2008, the TPWD has facilitated voluntary LEPC conservation on approximately 14,068 acres under the LIP.

13. The Department actively collaborates with the USFWS on its Partners for Fish and Wildlife Program (PFW), which focuses on range management programs designed to provide cost-sharing for implementation of habitat improvements for the LEPC in the Texas Panhandle. The PFW program in Texas has executed 66 private lands agreements on approximately 131,190 acres of privately owned lands for the benefit of the LEPC.

14. The Department actively collaborates with the Natural Resources Conservation Service (NRCS) on its Environmental Quality Incentive Program (EQIP) and the Lesser Prairie-Chicken Initiative (LPCI), which is a sub-program of EQIP. Through EQIP, NRCS provides financial and technical assistance to producers to integrate conservation practices into working lands across the nation including practices that improve rangeland conditions across the Texas Panhandle. The TX LPCI program has provided incentive payments for brush management and prescribed grazing on 386,942 acres of privately owned lands for the benefit of the LEPC in Texas since the program was created in 2003.

15. Established in the 1985 Farm Bill, the CRP is a land conservation program administered by the Farm Service Agency (FSA). The CRP is a voluntary program for agricultural landowners that provides a yearly rental payment in exchange for the landowner agreeing to remove cropland from agricultural production and plant species to return the land back to grassland. Contracts for land enrolled in CRP are from 10 to 15 years in length. The long-term goal of the program is to re-establish permanent vegetation cover to help improve water quality, prevent soil erosion, and reduce loss of wildlife habitat. The lands voluntarily conserved under the CRP serve as habitat for LEPC as well as a safety net for the LEPC in times of drought or

other emergencies. As of 2020, there was 901,596 acres of CRP enrolled in the 14 counties currently occupied by LEPC.

16. In 2007, the FSA created a new CRP initiative, the State Acres for Wildlife Enhancement (SAFE) Program. SAFE allows for partnership between FSA and a sponsoring entity to use CRP to establish habitat for target wildlife species. SAFE provides participants an opportunity to install conservation practices that restore high quality habitat to meet high-priority state wildlife conservation goals for target species. In 2008, the TPWD sponsored one of the first SAFE projects in the nation to directly benefit LEPC (LPC SAFE). The TPWD revised the program in 2020 and 2022, including a name change to the Texas Prairie SAFE due to concerns from landowners about enrolling in a program tied to a federally listed species. The current version of the Texas program continues to provide opportunities for agricultural producers in LEPC counties to enroll in the program to provide high quality grassland habitat that benefits the LEPC. As of 2020, the Texas Prairie SAFE program has enrolled 168,376 acres across the Texas Panhandle with 161,444 of those acres located in LEPC counties.

17. Overall, the voluntary conservation efforts to protect and enhance LEPC habitat with industry, landowners, and other public-private partners has had a significant impact on the stabilization of the species population in Texas. These efforts are ongoing and have involved a range of activities, including direct habitat conservation and management, developing and implementing state and federal cost share programs, and implementation of a CCAA. By working alongside landowners and industry partners, TPWD has been able to deliver conservation for the LEPC across much of its occupied range in Texas.

LEPC Monitoring

18. Monitoring species population trends is another critical part of wildlife conservation programs as these data inform how the species is responding to the quantity and quality of its habitat.

19. Texas LEPC monitoring focuses on lek surveys on the ground, i.e., breeding ground surveys, and aerial range-wide surveys. The TPWD uses survey data to monitor core LEPC populations.

20. Lek surveys are important in the management of the LEPC because they help wildlife managers understand the trends of LEPC populations in an area and indicate where the birds are finding suitable nesting habitat. Lek data provide a valuable index of the population status of LEPC in an area over time. In addition, lek locations provide important insights into where habitat maintenance and improvement may be most effective.

21. The presence of birds on leks reveals that suitable habitat exists in the area and that birds are occupying the available habitat. Lek locations are therefore an important consideration in developing management plans for specific sites.

22. Annual lek surveys to determine population trends of Texas Panhandle LEPCs were initiated in 1952 and continue into present day. The Department monitors LEPC population trends, conducts ground surveys in designated areas and on known lek locations (breeding grounds)

in Bailey, Cochran, Deaf Smith, Donley, Gray, Hemphill, Hockley, Lamb, Lipscomb, Ochiltree, Roberts, Terry, Wheeler, and Yoakum counties.

23. Current survey areas are referred to as the Northeast and Southwest Panhandle Study Areas. The Northeast Study Area is located within the mixed-grass prairie ecoregion of the LEPC's range. This Study Area is all privately owned and comprised of 67,298 acres in Hemphill County and 6,540 acres in Gray County, totaling 73,838 acres. The Southwest Study Area is comprised of the 15,961-acre Yoakum Dunes WMA and 20,794 acres of private land within Cochran, Yoakum and Terry counties, in the sand shinnery oak ecoregion, totaling 36,755 acres.

24. Private landowners and access to private lands is crucial in the Department's monitoring efforts for the LEPC. The TPWD cannot conduct lek surveys to monitor LEPC population trends without access to these private lands. Private landowners are generally reluctant to allow agency personnel to access private lands to survey for threatened, endangered, or candidate species. However, TPWD Biologists have spent decades developing relationships and trust with these private landowners to access their land to monitor the species and maintain that trust by ensuring confidentiality of biological data collected on private lands.

25. In addition to conducting annual lek surveys, the TPWD also participates in a multi-state range-wide aerial survey effort. States share the financial burden of this survey effort in proportion to the percentage of LEPC range within each state with Texas contributing approximately 15% of the costs.

26. In Texas, the ground and aerial survey data shows that LEPC populations rise and fall largely based on annual rainfall in proportion to the quantity and quality of habitat available with a decline in populations observed during major drought periods. Surveys over the past decade indicate that the LEPC population has stabilized in Texas likely in response to on-going voluntary conservation efforts in the state including the establishment and management of the Yoakum Dunes WMA, private lands enrolled in the Texas LEPC CCAA and in WAFWA's LEPC Conservation Program that's funded by their CCAA, CRP and CRP SAFE, and habitat incentive programs such as LIP, PFW, and EQIP.

Coordination and Oversight Efforts

27. Coordination among conservation partners including local, state, the federal government, non-governmental organizations, and industry is key to conserving species in a private land working landscape such as Texas. As the state wildlife agency of Texas, the TPWD serves as the hub for conservation coordination for the LEPC through the LEPC Interstate Working Group (IWG) and Texas LEPC State Implementation Team (SIT).

LEPC IWG

28. The 5 state agencies in the LEPC range organize and coordinate the LEPC IWG that integrates range-wide conservation for the species.

29. The LEPC IWG was formed in 1996 and is composed of state agency biologists. In 2012–2013, the IWG and WAFWA developed the LEPC Range-Wide Conservation Plan (RWP) in response to concerns about threats to LEPC habitat and resulting effects to LEPC populations. The RWP describes a state-led approach for maintaining state authority to conserve the LEPC. Authorization or permits issued in association with the RWP to the states and WAFWA from the USFWS provide assurances and authorize incidental take of LEPC to participants who voluntarily enrolled and fully implemented their conservation commitments under the RWP. The RWP identifies a two-pronged strategy for LEPC conservation: (1) the coordinated implementation of incentive-based landowner programs, and (2) the implementation of a mitigation framework which reduces threats and provides resources for conservation of LEPC.

30. In October 2013, the USFWS endorsed the RWP as a comprehensive voluntary conservation program that reflected a sound conservation design and strategy that, when fully implemented, should provide a net conservation benefit to the LEPC. In addition to the RWP, WAFWA also created the Range-Wide Oil and Gas Candidate Conservation Agreement with Assurances (Oil and Gas CCAA) to support the RWP. The Oil and Gas CCAA is a voluntary conservation strategy in partnership with New Mexico, Colorado, Kansas, Oklahoma, Texas, the oil and gas industry, private landowners and permitted by USFWS. The Oil and Gas CCAA provides a mitigation program for industry to voluntarily offset its impacts to the LEPC by providing funds to incentivize voluntary conservation of LEPC habitat on private lands. As WAFWA-member states, TPWD and the other four LEPC state wildlife agencies provide oversight of WAFWA's Oil and Gas CCAA. The Oil and Gas CCAA has a duration of 30 years from the date the Service signs it, which is 2014. The Oil and Gas CCAA has undergone recent adjustments to mitigation fees and updates to its business plan in 2021 and 2022 in consultation with the Service.

31. As of 2021, the WAFWA Range-Wide Oil and Gas CCAA had 111 voluntary industry participants that enrolled 6,226,140 acres across the 5 LEPC states and contributed over $60M worth of funding through enrollment and mitigation fees that were used to establish endowments to fund WAFWA's LEPC Conservation Program to offset the 11,200 impact units[1] that industry generated from 2014-2021. The WAFWA LEPC Conservation program has enrolled 115,414 acres on 22 properties across the 5 LEPC states from 2014 to 2021 and the conservation properties generated 96,110 conservation credits to offset the 11,200 impact units, which is greater than a 8.5:1 mitigation ratio.

Texas SIT

32. The mission of the SIT is to provide a pathway for communication and collaboration among partners delivering conservation programs benefiting LEPCs. Membership includes representatives from TPWD, USFWS, NRCS, FSA, WAFWA, Texas Agricultural Land Trust (TALT), and Pheasants Forever. The SIT's specific objectives are to improve the targeting of conservation efforts to facilitate progress towards achieving the RWP goals, identify funding

[1] Impact Unit – A quantified measurement of impacts to LEPC habitat resulting from Impact Activities. Impact Units are a function of the number of acres impacted by an Impact Activity, the quality of the impacted LEPC habitat, and a multiplier that reflects the Crucial Habitat Assessment Tool category where the impacts occur.
Range-Wide Oil & Gas Candidate Conservation Agreement with Assurances for the Lesser Prairie-Chicken (Tympanuchus pallidicinctus) in Colorado, Kansas, New Mexico, Oklahoma and Texas 2014-2044.

sources to support those identified conservation goals, and improve the reporting of conservation efforts. In 2021-22, the Texas SIT developed the Texas LEPC Conservation Plan.

33. The Texas LEPC Conservation Plan builds on the RWP to focus resources into the highest priority habitat areas for the LEPC and creates habitat (acreage) goals for those priority areas. The Texas plan identifies the conservation tools and acreage goals necessary to achieve a 77% suitable grassland habitat within each high priority area. Texas SIT members target their conservation efforts to achieve the goals and objectives identified by the Texas LEPC Conservation Plan and the group meets at least annually to discuss progress towards those goals.

Research

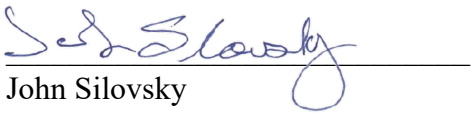
34. Wildlife research is also a critical part of wildlife conservation programs because it provides insights into challenges facing our native wildlife and informs conservation policies and strategies.

35. The TPWD has funded dozens of LEPC research projects that are an important part of the LEPC peer-reviewed literature.

36. Research funded by the Department has led to insights into the challenges facing the LEPC, including predation, disease, and landscape disturbances. In addition, the Department funded research into the genetics of the LEPC population in Texas in order to better understand the species.

37. In researching the challenges facing the LEPC, the Department has been able to better focus its voluntary conservation efforts in Texas to the benefit of the LEPC.

I declare under penalty of perjury that the foregoing is correct. Executed March 21, 2023, in Austin, Texas.



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